

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
03-CA-267047Date Filed  
10/5/2020**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Howard Center, Inc.	b. Tel. No. (802) 488-6903
	c. Cell No.
	f. Fax No. (802) 488-8690
d. Address (Street, city, state, and ZIP code) 208 Flynn Street q VT Burlington 05401-_____	e. Employer Representative Jaquie L Dragon Director of Human Resources
	g. e-Mail jdragon@howardcenter.org
	h. Number of workers employed 1500
i. Type of Establishment (factory, mine, wholesaler, etc.) Healthcare	j. Identify principal product or service Healthcare
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 2, 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
--See additional page--	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Erin L DeRenzis Esq. Title: AFSCME, Council 93	
4a. Address (Street and number, city, state, and ZIP code) 8 Beacon St. MA Boston 02108-_____	4b. Tel. No. (617) 367-6029
	4c. Cell No. (617) 922-0837
	4d. Fax No.
	4e. e-Mail ederenzis@afscme93.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By Erin L. DeRenzis (signature of representative or person making charge)	Erin L DeRenzis Title: AFSCME, Council 93 (Print/type name and title or office, if any)
8 Beacon St. Address Boston MA 02108-_____	Tel. No. (617) 367-6029
	Office, if any, Cell No. (617) 922-0837
	Fax No.
	e-Mail ederenzis@afscme93.org

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

## Basis of the Charge

### 8(a)(1)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	threatened up to term.	(b) (6), (b) (7)(C)/20

### 8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening to retaliate against employees if they joined or supported a union.

Name of Employer's Agent/Representative who made the statement	Approximate date
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)/20

### 8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from engaging in protected concerted activities.

Work Rule
The employer warned (b) (6), (b) (7)(C) against engaging in pro

### 8(a)(2)

Within the previous six months, the Employer unlawfully dominated or controlled the operations of a labor organization.

### 8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 3  
130 S Elmwood Ave Ste 630  
Buffalo, NY 14202-2465

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Telephone: (716)551-4931  
Fax: (716)551-4972



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October 5, 2020

Erin L DeRenzis, ESQ.  
AFSCME, Council 93  
8 Beacon St.  
Boston, MA 02108-\_\_\_\_\_

Re: Howard Center, Inc.  
Case 03-CA-267047

Dear Ms. DeRenzis:

The charge that you filed in this case on October 05, 2020 has been docketed as case number 03-CA-267047. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Caroline Wolkoff whose telephone number is (518)431-4156. The mailing address is 11A Clinton Ave STE 342, ALBANY, NY 12207-2366. If this Board agent is not available, you may contact Supervisory Field Attorney Gregory Lehmann whose telephone number is (518)419-6254.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Paul J. Murphy".

PAUL J. MURPHY  
Regional Director

cc: Erin L DeRenzis, AFSCME, Council 93  
AFSCME, Council 93  
8 Beacon St.  
Boston, MA 02108-\_\_\_\_\_



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October 5, 2020

Jaquie L Dragon, Director of Human Resources  
Howard Center, Inc.  
208 Flynn Street  
Burlington, VT 05401

Re: Howard Center, Inc.  
Case 03-CA-267047

Dear Ms. Dragon:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Paul J. Murphy".

PAUL J. MURPHY  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 03-CB-267402	Date Filed 10/9/2020

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name AFSCME Local 1674		b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) Suite 202 179 South Winooski Avenue Burlington, VT 05401		d. Tel. No.	e. Cell No. (b) (6), (b) (7)(C)
		f. Fax No.	
		g. e-mail (b) (6), (b) (7)(C)	
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Labor Organization (Union) has engaged in campaign reasonably calculated to coerce employees to cease performing for a particular Supervisor. Union's efforts amount to restraint and coercion.			
3. Name of Employer Howard Center, Inc. c/o Jacqueline Dragon, Sr. Director of Human Resources		4a. Tel. No. 802-488-6903	b. Cell No. c. Fax No. 802-488-8690
		d. e-mail jdragon@howardcenter.org	
5. Location of plant involved (street, city, state and ZIP code) Suite 3 J, 208 Flynn Avenue Burlington, VT 05401		6. Employer representative to contact Jacqueline Dragon	
7. Type of establishment (factory, mine, wholesaler, etc.) Healthcare	8. Identify principal product or service Mental Health and Substance Treatment		9. Number of workers employed 1,000+
10. Full name of party filing charge Counsel: Joseph A. Farnham			
11. Address of party filing charge (street, city, state and ZIP code) 271 South Union Street, Burlington, VT 05401		11a. Tel. No. 802-8634531	b. Cell No. 802-233-8705
		c. Fax No. 802-863-1743	
		d. e-mail jfarnham@mcneilvt.com	
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge) 271 South Union Street, Burlington, VT 05401 Address		Tel. No. 802-863-4531 Cell No. 802-233-8705 Fax No. 802-863-1743 e-mail jfarnham@mcneilvt.com	
		Joseph A. Farnham, Esq. (Print/type name and title or office, if any) Date 10/9/2020	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
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October 9, 2020

(b) (6), (b) (7)(C)

AFSCME Local 1674  
179 South Winooski Ave., Ste 202  
Burlington, VT 05401

Re: Howard Center, Inc.  
Case 03-CB-267402

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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PAUL J. MURPHY  
Regional Director

Enclosure: Copy of Charge



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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October 9, 2020

Jacquie Dragon, Director of Human Resources  
Howard Center, Inc.  
208 Flynn Ave. #3J  
Burlington, VT 05401-\_\_\_\_\_

Re: Howard Center, Inc.  
Case 03-CB-267402

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Very truly yours,

A handwritten signature in black ink, appearing to read "Paul J. Murphy". The signature is fluid and cursive, with the first name "Paul" and last name "Murphy" clearly distinguishable.

PAUL J. MURPHY  
Regional Director

Enclosure: Commerce Questionnaire

cc: Joseph A. Farnham, ESQ.  
McNeil Leddy & Sheahan, P.C.  
271 South Union Street  
Burlington, VT 05401





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 03  
130 S Elmwood Ave Ste 630  
Buffalo, NY 14202-2465

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (716)551-4931  
Fax: (716)551-4972

November 2, 2020

Erin L DeRenzis, Esq.  
AFSCME, Counsel 93  
8 Beacon Street  
Boston, MA 02108

Re: AFSCME Local 1674 (Howard Center,  
Inc.)  
Case 03-CB-267402

Dear Ms. DeRenzis:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Paul J. Murphy

PAUL J. MURPHY  
Regional Director

cc:

(b) (6), (b) (7)(C)

AFSCME Local 1674  
179 South Winooski Ave., Ste 202  
Burlington, VT 05401

Jacquie Dragon, Director of Human  
Resources  
Howard Center, Inc.  
208 Flynn Ave. #3J  
Burlington, VT 05401\_

Joseph A. Farnham, Esq.  
McNeil Leddy & Sheahan, P.C.  
271 South Union Street  
Burlington, VT 05401